

REMARKS

The Examiner rejected claims 5-16 and 32-43 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter, specifically, as directed to an abstract idea.

The Examiner rejected claims 5-16 and 32-43 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants request that the Examiner contact Applicants' Representative, Jack P, Friedman, at (518) 220-1850 if discussions would be helpful to facilitate placing the claims in condition for allowance.

Applicants respectfully traverse the § 101 and § 112 rejections with the following arguments.

35 U.S.C. § 101

The Examiner rejected claims 5-16 and 32-43 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter, specifically, as directed to an abstract idea.

The Examiner argues that the independent claims 5, 13, 32, and 40 do not produce a concrete and useful result for all values of K in relation to N.

In response, Applicants have amended the independent claims 5, 13, 32, and 40 such that a concrete and useful result is produced for the entire scope of the claims, as explained *infra*.

Claims 5-12 and 32-39

For independent claims 5 and 32, the full scope of the claims is governed by the contract datagroup D_G , independent of the range of K in relation to N. It is noted that the contract datagroup D_G is a contract dataset or a contract deltadataset.

If the contract datagroup D_G is the contract dataset, then independent claims 5 and 32 produce the a concrete and useful result of adding a subset of D_G to the relational database.

If the contract datagroup D_G is the contract deltadataset, then independent claims 5 and 32 produce the a concrete and useful result of adding R purchase items of D_G to the first contract dataset in the relational database.

Claims 13-16 and 40-43

For independent claims 13 and 40, the full scope of the claims is governed by the range of K in relation to N. It is noted that $0 \leq K \leq N$ wherein N is at least 1.

If $K = N$, then independent claims 13 and 40 produce the a concrete and useful result of adding D_C to the special database.

If $K < N$, then independent claims 13 and 40 produce the a concrete and useful result of adding a first subset of D_C to the special database.

Thus, Applicant assert that claims 13 and 40 produce the a concrete and useful result of adding data to the relational database or the special database under all scenarios in which independent claims 5, 13, 32, and 40 could be performed or otherwise implemented.

Based on the preceding arguments and in light of the dependence of claims 6-12, 14-16, 33-39, and 41-43 on claims 5, 13, 32, and 40, respectively, Applicants respectfully request that the rejection of claims 5-16 and 32-43 under 35 U.S.C. § 101 be withdrawn.

35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 5-16 and 32-43 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner argues with respect to independent claims 5, 13, 32, and 40: “It is not clear as to what the applicant refers to the remaining N-K. It is also not clear as whether the Applicant meant to say N through K or N minus K”.

In response, Applicants have amended claims 5, 13, 32, and 40 to clarify the meaning of “N-K” by replacing “N-K purchase items” by R:

“wherein the R purchase items of D_G consist of all purchase items of D_G exclusive of the K purchase items of D_G ” (claims 5 and 32); and

“wherein the R purchase items of D_C consist of all purchase items of D_C exclusive of the K purchase items of D_C .” (claims 14 and 40).

Based on the preceding arguments and in light of the dependence of claims 6-12, 14-16, 33-39, and 41-43 on claims 5, 13, 32, and 40, respectively, Applicants respectfully request that the rejection of claims 5-16 and 32-43 under 35 U.S.C. § 112, second paragraph be withdrawn.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

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